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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 |

14 JONATHAN JOSEPH NELSON, et al.,

15 Defendants.

Case No. CR-17-00533-EMC

**[PROPOSED] ORDER PERMITTING
THE FILING OF OVERSIZED BRIEF
RELATED TO DEFENSE MOTION
TO EXCLUDE OPINION
TESTIMONY FROM FBI OR OTHER
EXPERTS TESTIFYING ABOUT
CELL PHONE COMMUNICATIONS
[CRIMINAL LOCAL RULES 47-1; 47-
2; CIVIL LOCAL RULES, RULE 7-
4(b)]**

**Dept: The Honorable Edward M. Chen,
District Judge**

20 GOOD CAUSE APPEARING, on application from counsel for Brian Wendt, IT
21 IS ORDERED that the Wendt defense shall be permitted to file an oversized
22 memorandum in support of its 'Motion to Exclude or Limit the Testimony of FBI or
23 Other Expert Witnesses Testifying about Cell Phone Communications and Locations
24 Based on Historical Cell Call Detail Records and Proprietary Mapping Software [Daubert
25 and F.R.E. 403]; Motion for Evidentiary Hearing' that exceeds the 25-page limit
26 specified by Civil Local Rule 7-4(b) as incorporated into Criminal Local Rule 47-2(b).
27 The Court will permit a brief/memorandum that is 45 pages in length, excluding tables.

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**[PROPOSED] ORDER PERMITTING THE FILING OF OVERSIZED BRIEF RELATED TO DEFENSE
MOTION TO EXCLUDE OPINION TESTIMONY FROM FBI OR OTHER EXPERTS TESTIFYING
ABOUT CELL PHONE COMMUNICATIONS [CRIMINAL LOCAL RULES 47-1; 47-2; CIVIL LOCAL
RULES, RULE 7-4(b)]**

1 SO ORDERED.
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Dated: _____

4 _____
5 The Honorable Edward M. Chen, District Judge
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ABOUT CELL PHONE COMMUNICATIONS [CRIMINAL LOCAL RULES 47-1; 47-2; CIVIL LOCAL
RULES, RULE 7-4(b)]**

PROOF OF SERVICE

I, Melissa Stern, declare:

That I am over the age of 18, employed in the County of San Francisco, California, and not a party to the within action; my business address is Suite 350, 507 Polk Street, San Francisco, California 94102.

On today's date, I served the within document entitled:

**[PROPOSED] ORDER PERMITTING THE FILING OF OVERSIZED
BRIEF RELATED TO DEFENSE MOTION TO EXCLUDE OPINION
TESTIMONY FROM FBI OR OTHER EXPERTS TESTIFYING ABOUT
CELL PHONE COMMUNICATIONS [CRIMINAL LOCAL RULES 47-1;
47-2; CIVIL LOCAL RULES, RULE 7-4(b)]**

- By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, CA, addressed as set forth below;
- By electronically transmitting a true copy thereof through the Court's ECF system;
- By having a messenger personally deliver a true copy thereof to the person and/or office of the person at the address set forth below.

AUSA Kevin Barry
AUSA Ajay Krishnamurthy
AUSA Lina Peng

All defense counsel through ECF

Executed this January 29, 2021, at San Francisco, California.

Signed: /s/ *Melissa Stern*
Melissa Stern

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MOTION TO EXCLUDE OPINION TESTIMONY FROM FBI OR OTHER EXPERTS TESTIFYING
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RULES, RULE 7-4(b)]**